

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appl.No.: 09/779,210
Appellant: Maquaire et al
Filed: 02/08/2001
TC/AU: 2682
Examiner: Tran

Confirmation No.: 6628

Docket: TI-30144
Cust.No.: 23494

SUBSTITUTE APPELLANTS' BRIEF

Commissioner for Patents
P.O.Box 1450
Alexandria VA 22313-1450

Sir:

Pursuant to the Notification of Non-Compliant Appeal Brief mailed 02/06/2006, appellants request an extension of time in which to respond and submit the attached sheets containing the Rule 41.37 items of a substitute appellants' appeal brief. The fee for filing a brief in support of the appeal was previously paid on 11/14/2005. The Commissioner is hereby authorized to charge any other necessary fees to the deposit account of Texas Instruments Incorporated, account No. 20-0668.

Respectfully submitted,

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Rule 41.37(c)(1)(i) Real party of interest

Texas Instruments Incorporated owns the application.

Rule 41.37(c)(1)(ii) Related appeals and interferences

There are no related dispositive appeals or interferences.

Rule 41.37(c)(1)(iii) Status of claims

Claims 1-14 are pending in the application with all claims finally rejected. This appeal involves the finally rejected claims.

Rule 41.37(c)(1)(iv) Status of amendments

There is no amendment to the claims after final rejection.

Rule 41.37(c)(1)(v) Summary of claimed subject matter

The claims 1-9 invention provides a communications device (e.g., phone) with both voice-activated dialing and caller identification with audio playout of the caller's name. Application pages 5-6 describe the device and its operation: the device contains a database of phone numbers and associated name recognition templates for voice-activated dialing and also associated audio files of the names. Thus when a call is received from one of the phone numbers in the database, the associated name audio file can be played out to announce the caller's name. Likewise, to place a call to a name in the database, the caller merely recites the name, and the associated name recognition template detects the name and the number from the database is called.

The claims 10-14 invention is a method counterpart of the device.

Rule 41.37(c)(1)(vi) Grounds of rejection to be reviewed on appeal

The grounds of rejection to be reviewed on appeal are:

(1) Claims 1, 4-10, and 13-14 were rejected as unpatentable over the Van Der Salm reference in view of the Barkat reference.

(2) Claims 2-3 and 11-12 were rejected as unpatentable over the Van Der Salm reference in view of the Barkat and Flannery references.

Rule 41.37(c)(1)(vii) Arguments

(1) Claims 1, 4-10, and 13-14 were rejected as unpatentable over van der Salm in view of Barkat; the Examiner combined Van Der Salm for audio caller identification and with Barkat for voice-activated dialing.

Appellants reply that there is no suggestion in either Van Der Salm or Barkat for combination of the two ideas. In particular, Van Der Salm primarily discloses conversion of incoming caller identification information into a distinctive ring tone; only one paragraph (page 9, lines 17-28) of Van Der Salm notes "Particularly in large networks, it may be difficult to distinguish between different music or audio ringing sounds uniquely identifying the calling party. In such case another embodiment ... in which the ringing sound takes the form of a voice signal outputting the name of the calling party or the type of call, for example." Indeed, Van Der Salm emphasizes the algorithmic conversion of caller identification information into ring tones to avoid a large memory containing ring tones, and this counters any suggestion that a name recognition database (as in Barkat) should be combined with Van Der Salm. In fact, Barkat is a voice-activated ("hands-free") dialing accessory which can be attached to an existing phone and which outputs dialing signals to the existing phone (Barkat column 3, lines 44-48). Thus there is no possibility of any caller identification of the existing phone using the voice-activated calling database of the accessory.

Consequently, the references do not suggest either of the independent claims 1 and 10; and thus the claims are patentable over the references.

(2) Claims 2-3 and 11-12 were rejected as unpatentable over van der Salm in view of Barkat and Flannery.

Appellants rely upon the patentability of parent independent claims 1 and 10. Consequently, the claims are patentable over the references.

Rule 41.37(c)(1)(viii) Claims appendix

1. A mobile communications device comprising:

a database of telephone numbers, one or more of the telephone numbers associated with respective audio files and voice templates;

voice activated dialing circuitry for dialing one of the telephone numbers in response to identifying a match between an audio input from a user and one of templates, and for playing the associated audio file in response to said match; and;

caller identification circuitry for detecting an originating telephone number associated with an incoming telephone call and, if said originating telephone number is associated with an audio file, playing the associated audio file corresponding to said match between audio input from said user and said one of said templates.

2. The mobile communications device of claim 1 and further comprising a display for displaying name associated with a telephone caller.

3. The mobile communications device of claim 2 wherein the display further displays said originating telephone number.

4. The mobile communications device of claim 1 wherein said caller identification circuitry further plays a distinctive ring associated with said originating telephone number if the originating telephone number is not associated with an audio file.

5. The mobile communications device of claim 1 wherein said audio files are recordings of the user's voice.

6. The mobile communications device of claim 1 wherein said mobile communications device is a cellular telephone.

7. The mobile communications device of claim 1 wherein said mobile communications device is a smart phone.

8. The mobile communications device of claim 1 wherein said mobile communications device is a personal digital assistant.

9. The mobile communications device of claim 1 wherein said mobile communications device is a portable computer.

10. A method of interfacing with a mobile communications device, comprising the steps of:

- storing frequently called numbers in a telephone number database, one or more of the telephone numbers in said telephone number database associated with respective audio files and voice templates;

- receiving an audio input from a user for dialing one of said frequently dialed telephone numbers;

- in response to receiving said audio input, identifying a match between said audio input and one of templates and playing the associated audio file in response to said match; and;

- detecting an originating telephone number associated with an incoming telephone call and, if said originating telephone number is associated with an audio file, playing the associated audio file corresponding to said match between audio input from said user and said one of said templates.

11. The method of claim 10 and further comprising the step of displaying name associated with a telephone caller.

12. The method of claim 11 and further comprising the step of displaying said originating telephone number.

13. The method of claim 10 and further comprising the step of playing a distinctive ring associated with said originating telephone number if the originating telephone number is not associated with an audio file.

14. The method of claim 10 wherein said audio files are recordings of the user's voice.

Rule 41.37(c)(1)(ix) Evidence appendix

n/a

Rule 41.37(c)(1)(x) Related proceedings appendix

n/a